

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                            |   |                     |
|----------------------------|---|---------------------|
| <b>DAMIAN HENRY</b>        | : | <b>CIVIL ACTION</b> |
| <b>Plaintiff</b>           | : |                     |
|                            | : |                     |
| <b>v.</b>                  | : | <b>NO. 08-1348</b>  |
|                            | : |                     |
| <b>TODD BUSKIRK, et al</b> | : |                     |
| <b>Defendants</b>          | : |                     |

**O R D E R**

**AND NOW**, this 21st day of February, 2011, upon consideration of the motions to dismiss filed by defendants PrimeCare Medical and Dr. Victoria Gessner, and the plaintiff's response thereto, it is hereby **ORDERED** that, as set forth in the accompanying memorandum:

1. The motion to dismiss filed by defendant PrimeCare Medical (Doc. No. 19) is **GRANTED**. The action against PrimeCare Medical is dismissed with prejudice.
2. The motion to dismiss filed by defendant Dr. Victoria Gessner (Doc. No. 25) is **GRANTED** as to the ADA claims asserted against Dr. Gessner and **DENIED** as to the Section 1983 claims asserted against Dr. Gessner. The ADA claim against Dr. Gessner is dismissed with prejudice.

BY THE COURT:

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.